

RESOLUTION NO. 1305

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, approving the preliminary modified subdivision entitled *The Pinnacles at Des Moines*, (hereinafter, the "subdivision") subject to conditions specified herein, located at South 232nd Street and 14th Avenue South, Des Moines, WA 98198 (PIN 1722049072, 1722049073, 17220499086, 1722049107, 1722049084, and 1722049085).

WHEREAS, JK Monarch submitted (hereinafter, the "applicant") an application for a preliminary modified subdivision on June 10, 2015, and

WHEREAS, the subdivision is located on property within the RS-7200: Residential Single Family 7,200 Zone, and

WHEREAS, the applicant proposes to subdivide 5.52 acres into 22 single-family lots utilizing a modified subdivision pursuant to chapter 17.15 DMMC, and

WHEREAS, DMMC 17.15.030 states that the purpose of the modified subdivision process is to provide an alternative process for approval of plats where minor modifications are justified, and

WHEREAS, DMMC 17.15.050 establishes a mechanism whereby an applicant may propose and the City may consider and approve an innovative or unusual subdivision or short subdivision that does not comply with one or more requirements specified in chapter 17.35 DMMC, and

WHEREAS, the applicant has requested three modifications: (1) extending the maximum length of a cul-de-sac, (2) exceeding the width to depth lot ratio, and (3) eliminating the requirement for a corner lot to be five feet wider than the minimum lot width required by the underlying zone, and

WHEREAS, an environmental checklist for the subdivision was submitted to the City of Des Moines and was reviewed by the SEPA responsible official for the City of Des Moines, and

WHEREAS, the SEPA official issued a Determination of Non-Significance for the subdivision on July 7, 2015 beginning a 15-day public comment period, and

WHEREAS, the environmental documents have been available for review with the subdivision application during the review process, and

WHEREAS, pursuant to DMMC 18.20.080, a modified subdivision is a Type IV land use decision that requires a public hearing to receive public comment regarding this proposal, and

WHEREAS, a notice of public hearing was issued on August 4, 2015 beginning a 15-day public comment period, now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:

Sec. 1. Decision criteria. The criteria used in making the decision are those required by DMMC 17.15.070. The City Council finds that the subdivision is in compliance with the required criteria, as set forth in the Staff Report (Exhibit 1).

Sec 2. Approved modifications. Consistent with the provisions of DMMC 17.15.060 the following modifications are approved:

(1) To extend the cul-de-sac from the maximum length of 500 feet to 630 feet.

(2) To exceed the 2:1 width to depth lot ratio for fourteen (14) of the lots: 3-8, 21-22, and 14-19.

(3) To reduce the width for one (1) corner lot from 65 feet to 64.5 feet. Lot 1 has a width of 64.5 feet.

Sec 3. Approved unique design features. Consistent with the provisions of DMMC 17.15.060 the following unique design features are approved:

(1) As an off-setting measure for the proposed cul-de-sac deviations, the applicant has included a passive park to be located over the storm vault, or "Tract A." The park is 18,003 square feet, will be open to the public, and will be maintained by the Homeowners Association.

(2) As an off-setting measure for the proposed lot width to depth ratio deviation, the applicant includes a five foot Type III landscaping strip for lots 2-8 and 14-22 abutting existing residential development. A landscaping buffer is currently not required. Requiring

the landscaping buffer on lots 1 and 9-13 would greatly hinder the viability of those lots as a landscaping strip alters the available square footage required to meet zoning standards.

ADOPTED BY the City Council of the City of Des Moines, Washington this 20th day of August, 2015 and signed in authentication thereof this 20th day of August, 2015.


MAYOR

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Clerk

ATTACHMENT 2 – Staff Report

BUSINESS OF THE CITY COUNCIL CITY OF DES MOINES, WA

SUBJECT:

Application for approval of a modified preliminary subdivision.

EXHIBITS:

Exhibit 1: Vicinity Map

Exhibit 2: Aerial Photo

Exhibit 3: Site/Civil Plans

Exhibit 4: Project Narrative

Exhibit 5: Project Justification

Exhibit 6: Land Use Map

Exhibit 7: Zoning Map

Exhibit 8: July 7, 2015 Notice of Application and Determination of Nonsignificance

Exhibit 9: Public Comments Received

Exhibit 10: Staff Public Comment Response Letters

Exhibit 11: August 4, 2015 Notice of Public Hearing

STAFF REPORT FOR THE PINNACLES AT DES MOINES MODIFIED SUBDIVISION; LUA2015-0030
August 13, 2015

APPLICANT: JK Monarch

REQUEST: The applicant submitted an application for a modified subdivision of 5.52 acres into 22 single family residential lots. The application for a modified subdivision must state why the proposed deviations from City standards are necessary and what unique design features, not ordinarily provided in traditional subdivisions, will be incorporated into the proposal to offset the need for such deviations. The project is requesting three deviations: extension of the maximum length of a cul-de-sac, exceeding the width to depth lot ratio, and not requiring a corner lot to be five feet wider than the minimum lot width required by the underlying zone.

SITE DESCRIPTION: The proposed subdivision is an irregularly “L” shaped property with the shorter narrower leg facing east-west fronting on 14th Avenue South and the wider longer leg facing north-south fronting South 232nd Street. The proposal consists of five (5) parcels totaling 5.52 acres. A vicinity map and aerial photo are attached as Exhibits 2 and 3.

The property generally slopes from south to north. The majority of the slope across the site is less than 15%; however, portions of the site directly adjacent South 232nd Street contain slopes primarily between 15 – 25%. A minor portion of the slope adjacent to South 232nd Street contains slopes between 25 – 40%. The properties are lightly forested with a heavy underbrush layer. The five existing homes and associated outbuildings will be demolished as part of the redevelopment.

BACKGROUND: The applicant submitted a Master Development Application on June 10, 2015. The following documents were submitted as part of the application:

- Master Development Application
- Vicinity Map and Lot Map
- Site/Civil Plans (Exhibit 4)
- Project Narrative (Exhibit 5)
- Project Justification (Exhibit 6)
- Traffic Assessment
- Preliminary Technical Information Report
- SEPA Checklist
- Certificate of Water Availability/Certificate of Sewer Availability
- Title Report

EXISTING LAND USE:
Site: SF- Single Family Residential
North: SF - Single Family Residential
South: SF - Single Family Residential
East: SF - Single Family Residential
West: SF - Single Family Residential

A land use map is attached as Exhibit 7.

ZONING:

Site: RS-7200 – Residential: Single Family
North: RS-7200 – Residential: Single Family
South: RS-7200 – Residential: Single Family
East: RS-7200 – Residential: Single Family
West: RS-7200 – Residential: Single Family
A zoning map is attached as Exhibit 8.

SEPA PUBLIC NOTICE:

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the City to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. On July 7, 2015 a Notice of Application and Determination of Nonsignificance (DNS) was issued (Exhibit 9) beginning a 15-day public comment period.

During the required 15 day public comment period the City received four (4) written comments (Exhibit 10). Staff reviewed the comments and determined that all the issues raised during the comment period had been addressed and no outstanding issues remain.

Staff categorized the comments expressed and provided a response in writing. Those response letters are attached as Exhibit 11.

PUBLIC HEARING NOTICE:

Pursuant to DMMC 18.20.190, a Notice of Public Hearing was issued on August 4, 2015 (Exhibit 12).

DECISION CRITERIA:

Modified subdivisions are Type IV land use action as defined by DMMC 18.20.020. Per DMMC 17.15.060, requests for modified subdivisions shall be processed and decided upon as specified in Chapter [17.10](#) DMMC (Subdivisions); except that the following additional requirements shall apply:

1. Public notice shall be expanded to include a description of which aspects of the proposed modified subdivision are requested to deviate from City standards; and
2. The applicant shall submit as part of the required application materials a written narrative entitled “Modified Subdivision Design Justification” which states why proposed deviations from City standards are necessary and what unique design features, not ordinarily provided in traditional subdivisions, are incorporated into the proposal to offset the need for such standards.”

Per DMMC 17.15.070, The City may approve a proposed modified subdivision or short subdivision under this chapter only if it finds that all of the following criteria are met:

1. It is consistent with the intent of the Comprehensive Plan, Zoning Code, and Shoreline Master Program; and

2. All lots within a subdivision meet the lot area and lot width requirements for the zone classification assigned to the property proposed to be subdivided; and
3. Except for those requirements specifically requested by the applicant to be modified, it is consistent with the applicable provisions of chapter [17.35](#) DMMC; and
4. There are adequate provisions for open spaces, drainage ways, rights-of-way, sidewalks, and other planning features that assure safe walking conditions for pedestrians, including students who walk to and from school, easements, water supplies, sanitary waste, fire protection, power service, parks, playgrounds, and schools; and
5. It serves the public use and interest and is consistent with the public health, safety, and welfare. The City Council shall be guided by the policy and standards and may exercise the powers and authority set forth in chapter [58.17](#) RCW (Plats, Subdivisions, Dedications), as presently constituted or as may be subsequently amended; and
6. The proposed modified subdivision provides for coordinated development with adjoining properties or future development of adjoining properties including but not limited to provisions for improved or shared access where appropriate; and
7. The applicant has demonstrated that the proposal includes design features or improvements which are beneficial to the public, typically not found in traditional subdivision proposals, and equivalent in scale or value to the improvements or requirements from which the proposal deviates; and
8. In subdivisions containing tracts for wetlands, streams, or required buffers, as required by DMMC [17.35.190](#), the minimum lot size established by Title [18](#) DMMC for the zone classification assigned to the property proposed to be subdivided may be reduced, provided:
 - a. The number of lots within the subdivision shall be no more than allowed by Title [18](#) DMMC under the provisions for limited density transfer for environmentally critical areas; and
 - b. Adequate recreation area shall be provided on each lot or by establishing a separate recreation tract in addition to that required by DMMC [17.35.180](#). [Ord. 1585 § 70, 2013.]

ANALYSIS:

Following each approval criterion is a City staff response evaluating the merits of the proposal.

1. It is consistent with the intent of the Comprehensive Plan, Zoning Code, and Shoreline Master Program.

City Response: The proposal is consistent with the land use designation in the Comprehensive Plan and the requirements in Chapter 18.55 DMMC,

Single Family Residential Zone. The Shoreline Master Program does not apply.

2. All lots within a subdivision meet the lot area and lot width requirements for the zone classification assigned to the property proposed to be subdivided.

City Response: Per DMMC 18.55.050(2), in a multiple-lot subdivision containing four or more lots, the minimum lot area shall be deemed to have been met if the average lot area is not less than the minimum lot area requirement of the zone in which the property is located. In computing the average square foot area of lots in a subdivision, not more than 25 percent of the number of lots may contain an area less than the prescribed minimum for the zone, but in no case shall a lot contain less area than 6,400 square feet (SF).

Per DMMC 18.55.050(1)(d), the minimum required area of a lot in an area designated as RS-7200 shall be 7,200 SF. The average lot area is 7,646 SF.

For 22 proposed lots, five (5) lots are permitted between 7,200 SF and 6,400 SF. Lots 11, 12, 13, and 20 meet this criterion.

Per DMMC 18.55.070(4), the minimum width of a lot in an area designated as RS-7,200 shall be 60 feet. Lots 2-22 meet this criterion. Per DMMC 17.35.050(5), all corner lots shall be five feet wider than the minimum lot width required by the underlying zone. Lot 1 is 64.5 feet, 6" shorter than the required 65 feet. The applicant has requested a modification from this requirement.

3. Except for those requirements specifically requested by the applicant to be modified, it is consistent with the applicable provisions of chapter [17.35](#) DMMC (Layout and Design of Subdivisions and Similar Requirements).

City Response: The application meets all of the layout and design requirements in chapter [17.35](#) DMMC, besides the three requested modifications:

- a. Extending the maximum length of a cul-de-sac (DMMC 17.35.060(2));
- b. Exceeding the width to depth lot ratio (DMMC 17.35.050(2)); and
- c. Eliminating the requirement for the corner lot to be five feet wider than the minimum lot width required by the underlying zone (DMMC 17.35.050(5)).

4. There are adequate provisions for open spaces, drainage ways, rights-of-way, sidewalks, and other planning features that assure safe walking conditions for pedestrians, including students who walk to and from school, easements, water supplies, sanitary waste, fire protection, power service, parks, playgrounds, and schools.

City Response: The application has been reviewed by appropriate staff, including Transportation, Surface Water, Building, Parks, and South King Fire and Rescue.

- Per DMMC 17.35.080, all rights-of-way within and abutting the subdivision shall be improved in accordance with the standards set forth in chapter [12.15](#) DMMC. In addition, a storm vault will be located in “Tract A,” along with a rain garden directly adjacent to the north. Page 4 of the civil plans shows the preliminary grading and utility plans (Exhibit 4).
 - Per DMMC 17.35.180, proposed residential subdivisions shall either provide a minimum of 778 square feet of park area per lot or make an in-lieu fee payment in order to comply with the level of service standard of 6.5 acres of park land per 1,000 population established in the City of Des Moines 2010 Parks, Recreation and Senior Services Master Plan, Section 2.3.
 - If the land proposed to be developed as a mini-park does not meet the criteria established in DMMC 17.35.180(2) or is not approved by the Parks Department, then the applicant shall make an in-lieu cash payment to the City. The applicant will be required to pay the park in-lieu fee at the time of final plat in order to meet the park requirement pursuant to DMMC 17.35.180. The applicant has agreed to pay the park-in-lieu fee.
5. It serves the public use and interest and is consistent with the public health, safety, and welfare. The City Council shall be guided by the policy and standards and may exercise the powers and authority set forth in chapter [58.17](#) RCW (Plats, Subdivisions, Dedications), as presently constituted or as may be subsequently amended.

City Response: The proposal is consistent with chapter [58.17](#) RCW.

6. The proposed modified subdivision provides for coordinated development with adjoining properties or future development of adjoining properties including but not limited to provisions for improved or shared access where appropriate.

City Response: Although an agreement was made to provide joint access with the property owner to the south via the previous development proposal; *The Pinnacles at Des Moines* is a new application and, as such, joint access is not a requirement for approval. A good faith effort was made by the applicant to reach an agreement for joint access. Due to the unique configuration of the parcels joint access would have been preferable in order to provide a secondary access point. However, such an agreement should not be a requirement of approval.

7. The applicant has demonstrated that the proposal includes design features or improvements which are beneficial to the public, typically not found in traditional subdivision proposals, and equivalent in scale or value to the improvements or requirements from which the proposal deviates.

City Response: The applicant has proposed the following offsetting measures:

- As an off-setting measure for the proposed cul-de-sac deviation, the

applicant has included a passive park to be located over the stormwater vault, or "Tract A." The park is 18,003 square feet, will be open to the public, and will be maintained by the Homeowners Association.

- As an off-setting measure for the proposed lot width to depth ratio deviation, the applicant includes a five foot Type III landscaping strip for lots 2-8 and 14-22 abutting existing residential development. A landscaping buffer is currently not required. Requiring the landscaping buffer on lots 1 and 9-13 would greatly hinder the viability of those lots as a landscaping strip alters the available square footage required to meet zoning standards.

8. In subdivisions containing tracts for wetlands, streams, or required buffers, as required by DMMC [17.35.190](#), the minimum lot size established by Title [18](#) DMMC for the zone classification assigned to the property proposed to be subdivided may be reduced.

City Response: Not applicable. Proposal not located in critical area.

**RECOMMENDED
ACTION:**

City staff recommends that the City Council approve the modified preliminary subdivision.